

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN)	CASE NO.: MDL 2672 CRB (JSC)
DIESEL” MARKETING, SALES)	
PRACTICES, AND PRODUCTS)	
LIABILITY LITIGATION)	
)	
	)	CLASS MEMBERS: Harry Andrianos,
This Documents Relates to:	)	Bogdan Barwacz, Ovidiu Borz,
	)	Junko Bozenda, Ricardo Briseno,
ALL ACTIONS	)	Donald Cunningham, Lu Fatlan,
	)	Robert Faut, Jon Gilles, Michael Glass,
	)	Frank Gordon, David Hagenbuch,
	)	Kyra Hicks, Michael Jamiolkowski,
	)	Blake & Wendy Klosa, Joshua Martin,
	)	Robert Mugge, Brian Mullins,
	)	Leann & Karl Niebuhr, Louis Pace,
	)	Herbert Patterson, David Prah,
	)	Gloria Resendiz, Darin Rose,
	)	Tomas & Gintare Savelskas,
	)	David Sollis, Jr., Grace Wagner,
	)	Nels Mattson, Ryan Angle-Graves,
	)	Corey & Lauren Hloben, Jeff Viele,
	)	James Cottral, Jeffrey Gilmore,
	)	Nicole Griesenauer, Mark Nichols,
	)	Victor Ruben, Timothy Tucker,
	)	Darrell Tuttle, and Michelle Areyzaga
)	
	)	MOTION FOR ATTORNEYS’ FEES
	)	AND COSTS FOR CLASS MEMBER
)	GINTARE AND TOMAS SAVELSKAS

MOTION FOR ATTORNEYS’ FEES AND COSTS
FOR CLASS MEMBER GINTARE AND TOMAS SAVELSKAS

NOW COMES the above-named Class Member, GINTARE AND TOMAS SAVELSKAS, by and through his counsel, STRONG LAW OFFICES, and pursuant to this Court’s Orders of November 22, 2016 (Dkt. 2247), November 30, 2016 (Dkt. 2360), December 5, 2016 (Dkt. 2428), and Federal Rules of Civil Procedure 23 and 54 hereby move this Honorable Court to award attorneys’ fees and costs relating to representation and legal services

provided to the Class Member, GINTARE AND TOMAS SAVELSKAS, in this cause. In support hereof, and for good cause shown the Class Member, GINTARE AND TOMAS SAVELSKAS, and his counsel, STRONG LAW OFFICES, state as follows:

1. That the above-named Class Member is an Eligible Owner, or Eligible Reseller and has “opted-in” to the Consumer and Reseller Class Action Settlement.

2. That on April 21, 2016, the above-named Class Member, individually, and on behalf of other Volkswagen and Audi owners, filed a 165-page class action Complaint, styled “*Harry Andrianos, et al, on behalf of themselves and all others similarly situated v. Volkswagen Group of America, Inc., et al; 1:16-cv-01120*” in the United States District Court for the Central District of Illinois.

3. That the Complaint sought relief on behalf of Illinois consumers, Missouri consumers, Minnesota consumers, and Wisconsin consumers arising from common factual allegations of fraud, deceptive practices, false and/or misleading advertising, violations of Federal law(s), breach of contract, unjust enrichment, and violations of various State consumer law(s). The Complaint sought certification of a class of purchasers and/or lessors of Volkswagen, Audi, and Porsche vehicles affected by the diesel emissions issue(s) and related claims arising therefrom.

4. Further the Complaint sought: (a) temporary and permanent injunctive relief; (b) environmental reparations, mitigation and remediation; (c) costs, restitution and compensatory damages for consumers; (d) contractual rescission for purchasers and lessors; (e) statutory penalties for Federal and State law violations; and (f) attorneys’ fees and costs.

5. The action was transferred into the MDL, 3:15-md-02672-CRB (JSC), by Conditional Transfer Order (CTO-38) on May 6, 2016.

6. That the Class Member is represented in this cause by attorney Jason B. McGary and the law firm of Strong Law Offices for their claims against the Defendants, both settling and non-settling, arising from the fraud, deceptive practices, false and/or misleading advertising, violations of Federal law(s), breach of contract, unjust enrichment, and violations of various State consumer law(s) committed by the Defendants to this cause and that directly and proximately resulted in damages to the Class Member.

7. That the Class Member entered into a contingent fee contract for legal services with Strong Law Offices that provided for attorneys' fees under 770 ILCS § 5/1 equal to thirty-three and one-third percent (33 1/3%) of the total amount recovered by settlement, compromise, judgment, or otherwise, and for the recovery of costs and expenses advanced by Strong Law Offices on behalf of the Class Member. *See* Representation and Attorneys' Fee Agreement attached hereto as **Exhibit A**.

8. That counsel for the Class Member has devoted substantial time and effort on behalf of the Class Member, as well as other Class Members represented by Strong Law Offices, to provide competent legal services in the prosecution of the Class Member's claim(s); to counsel and advise the Class Member as to developments in the Multi-District Litigation ("MDL") case; to counsel and advise the Class Member on the benefits, and "pros and cons" of the Consumer and Reseller Class Action Settlement; to counsel and advise the Class Member on their options and choices for either "opting in" or "opting out"; to assist the Class Member in registering their claim through the Settlement Website Portal; and to assist the Class Member in pursuit of their settlement benefits.

9. That the Class Member, upon advice provided by their counsel chose to "opt in" to the Consumer and Reseller Class Action Settlement thereby increasing the size of the

settlement pool of consumers and resellers and assisting in the effectuation of the removal of the affected vehicles from the roadways.

10. That all of the work performed by counsel for the Class Member was diligently logged and detailed in a “time sheet”, and all work performed was for the benefit and assistance of the Class Member. *See* Time Sheet for Class Member attached hereto as **Exhibit B**.

11. That on November 22, 2016 this Court issued an Order addressing the issue of independent attorneys’ liens and their impact on the Class Action Settlement. As part of that Order, the Court concluded that it would determine the appropriate amount of fees, if any, to be paid to independent counsel who provided Class Members with compensable legal services in connection to the 2.0 TDI Consumer Reseller Dealership Class Action.

12. That counsel for the Class Member rendered competent legal services to the Class Member as outlined above, and as shown in greater detail on the attached Time Sheet. *See Exhibit B*.

13. That specifically, the actual value of the services rendered to the Class Member by counsel is \$5,875.00 which is calculated upon 23.5 hours of legal services at a rate of \$250.00 per hour. *See Exhibit B*. That a *pro rata* cost of \$11.42 was advanced by Strong Law Offices on behalf of the Class Member.

14. That counsel for the Class Member seeks payment of attorneys’ fees in the amount of \$5,875.00 and expenses in the amount of \$11.42 for the provision of representation and legal services to the Class Member in connection this this matter. *See* Declaration of Jason B. McGary in support of application for attorneys’ fees and costs attached hereto as **Exhibit C**.

15. That in accordance with this Court’s prior rulings and Orders, the Class Member and their counsel, Strong Law Offices, hereby pray that this Honorable Court enter an Order

approving, and awarding the attorneys' fees and costs sought in this matter, and further ordering and directing payment of said attorneys' fees and costs in conformance with this Court's prior rulings and Orders, and pursuant to Federal Rules of Civil Procedure 23 and 54.

Respectfully submitted,

/s/ Jason B. McGary – Pro Hac Vice
Attorney for Movants

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2016, I electronically filed the foregoing MOTIONS FOR ATTORNEYS' FEES AND COSTS with the Clerk of the Court using the CM/ECF system. Notice of this Filing will be sent to all parties by operation of the Court's electronic filing system.

By: /s/ Jason B. McGary– Pro Hac Vice
Jason B. McGary, ARDC No.: 6288405